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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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11 STEPHEN CRUMP,)
12 Plaintiff(s),) No. C 06-0742 CRB (PR)
13 v.) ORDER OF DISMISSAL
14 E. MOSTAFANEJAD, et al.,) (Doc # 2)
15 Defendant(s).)
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17 Plaintiff, a prisoner at the California Men's Colony in San Luis Obispo,
18 California ("CMC"), has filed a pro se complaint under 42 U.S.C. § 1983
19 alleging that reception center counselors at San Quentin State Prison ("SQSP")
20 misclassified him as a mental health needs prisoner and improperly placed him at
21 CMC. Plaintiff raised the same allegations in two prior prisoner complaints,
22 which were dismissed on January 25, 2006. See Crump v. Coe, No. C 06-0267
23 CRB (PR) (N.D. Cal. Jan. 25, 2006) (order of dismissal); Crump v.
24 Mostafanejad, No. C 06-0268 CRB (PR) (N.D. Cal. Jan. 25, 2006) (same).

25 A prisoner complaint that merely repeats pending or previously litigated
26 claims may be considered abusive and dismissed under the authority of 28 U.S.C.
27 § 1915A. Cf. Cato v. United States, 70 F.3d 1103, 1105 n.2 (9th Cir. 1995)
28 (citing Bailey v. Johnson, 846 F.2d 1019, 1021 (5th Cir. 1988)) (duplicative in

1 forma pauperis complaint may be considered abusive and dismissed under 28
2 U.S.C. § 1915). Because plaintiff raised and litigated the same allegations and
3 claims raised herein in civil cases 06-0267 and 06-0268, the instant complaint is
4 deemed duplicative and abusive under § 1915A. See id.

5 Plaintiff's request to proceed in forma pauperis (doc # 2) is DENIED and
6 the complaint is DISMISSED under the authority of 28 U.S.C. § 1915A(b).

7 The clerk shall enter judgment in accordance with this order and close the
8 file. No fee is due.

9 SO ORDERED.

10 DATED: Feb. 8, 2006



11 CHARLES R. BREYER
12 United States District Judge
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